

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

Chapter 9

City of Detroit, Michigan,

Case No. 13-53846

Debtor.

Hon. Steven W. Rhodes

Order Establishing Motion Procedure

At the status conference in this case on August 2, 2013, the Court determined to establish the following motion procedure:

1. **Procedure.** Except as provided herein or otherwise ordered by the Court, parties shall comply with LBR 9014-1. The Court has determined not to apply LBR 9013-4. Counsel are reminded of the requirement and importance of (a) affidavits in support of any facts alleged in a motion or response, and (b) substantive briefs.
2. **Content of Motions and Responses.** In addition to the contents of motions and responses that are otherwise required, the Court requests that parties identify factual issues and suggest whether an evidentiary hearing may be required.
3. **Page Limit for Reply Briefs.** Notwithstanding LBR 9014-1(e), a reply brief filed by the City shall not exceed 30 pages. The City may file a motion to extend this page limit for cause shown.
4. **Hearing Dates for Motions.**
 - a. The Court will determine all hearing dates.
 - b. The Court will serve notices of all hearings.
 - c. The Court will file and publish on its website a list of motions to be heard at least 5 days in advance of each Omnibus Hearing date.
 - d. In a motion or a response, a party may request a hearing date that is on the published schedule of Omnibus Hearing dates.
 - e. Generally the Court will attempt to schedule a hearing on a motion on the date requested by the parties in their papers.

- f. In the absence of a requested hearing date, the Court generally expects that it will set a motion for hearing on the next scheduled Omnibus Hearing date that is more than 7 days after the response is filed.
 - g. All requests for an expedited hearing must be made by separate motion establishing cause.
5. **Adjournments.** All requests for hearing adjournment must be stated on the record with cause. LBR 5071-1(a) relating to adjournments by stipulation or motion is suspended.
6. **Conduct of Hearing.**
- a. The Court will not conduct an evidentiary hearing on a motion unless the order or notice setting the hearing states otherwise.
 - b. If at the initial hearing, the Court determines that there are genuine issues of fact that must be resolved, the Court will set an evidentiary hearing, and if necessary, a discovery schedule.
 - c. If the Court determines that there are no genuine issues of material fact and the matter turns on a legal question, the Court will conduct oral argument on the motion at the scheduled hearing. The Court may then give a bench decision on the motion at the Omnibus Hearing or may take the matter under advisement.

Signed on August 02, 2013

/s/ Steven Rhodes
Steven Rhodes
United States Bankruptcy Judge